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SERIAL NUMBER REQUEST DATE
10/576,804 12/6/2010

FIRST NAMED APPLICANT
HWANG, ET. AL.

ATTORNEY DOCKET NO.
3975-078

Title: **CLIMAPROOF COSMETIC COMPLEX**

	Art Unit	Paper Number
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for Commissioner of Patents and Trademark

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LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]



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Petitioner: HWANG, et al. :DECISION ON REQUEST
Petition No.: 10/576,804 :UNDER 37 CFR 5.25
Petition Filing Date: December 6, 2010
Docket No.: 3975-078

Title: CLIMAPROOF COSMETIC COMPLEX

This is a decision on the petition for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filing(s) listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under secrecy order, that the license was diligently sought, and that the material was filed abroad without the required license under 37 C.F.R. 5.11 through error and without deceptive intent. However, *for future reference*, it should be noted that not determining inventorship until later in the prosecution process based on mere reliance on laws of countries other than the U.S., or based a company's way of doing business (Petitioners state "it has been our practice to first file patent applications in Germany or Europe and then, ... the United States"), **is not within the meaning of "error"** as provided in 37 CFR 5.25(a)(3)(iii), and further explanation will be required, or the petition will be denied.

<u>Foreign Filing Location</u>	<u>Date</u>
Germany	23 October 2003
EPO	21 October 2004
Japan	21 October 2004
Japan	21 October 2004
Korea	21 October 2004

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